

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jeffrey Mulinelli (S)	Team: Squad #1	CCRB Case #: 201508246	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 09/29/2015 12:20 PM	Location of Incident: Ely Avenue and Hammersley Avenue	Precinct: 47	18 Mo. SOL 3/29/2017	EO SOL 3/29/2017	
Date/Time CV Reported Tue, 09/29/2015 3:29 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 09/29/2015 3:29 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Thomas Casey	01549	918830	047 PCT
2. POM David Sammarco	21076	937471	047 PCT
3. POM Michael Whelan	27703	948440	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Whelan	Abuse: PO Michael Whelan stopped the vehicle in which § 87(2)(b) was an occupant.	
B.SGT Thomas Casey	Abuse: Sgt. Thomas Casey stopped the vehicle in which § 87(2)(b) was an occupant.	
C.SGT Thomas Casey	Abuse: Sgt. Thomas Casey threatened § 87(2)(b) with the use of force.	
D.SGT Thomas Casey	Abuse: Sgt. Thomas Casey authorized the frisk of § 87(2)(b)	
E.POM David Sammarco	Abuse: PO David Sammarco frisked § 87(2)(b)	
F.SGT Thomas Casey	Abuse: Sgt. Thomas Casey searched the vehicle in which § 87(2)(b) was an occupant.	
G.SGT Thomas Casey	Abuse: Sgt. Thomas Casey refused to provide his shield number to § 87(2)(b)	
H.POM Michael Whelan	Discourtesy: PO Michael Whelan spoke discourteously to § 87(2)(b)	
I.POM Michael Whelan	Abuse: PO Michael Whelan threatened to issue summons to § 87(2)(b)	
J.POM Michael Whelan	Abuse: PO Michael Whelan threatened to arrest § 87(2)(b)	
K.POM Michael Whelan	Abuse: PO Michael Whelan refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On September 29, 2015, at approximately 12:20 p.m., § 87(2)(b) was teaching his cousin, § 87(2)(b) how to drive in the vicinity of Hammersley Avenue and Ely Avenue in the Bronx. § 87(2)(b) who had a learner's permit, was in the driver's seat. § 87(2)(b) allegedly failed to stop at a stop sign at Hammersley Avenue and Grace Avenue, at which point PO Michael Whelan, who was in his unmarked RMP with Sgt. Thomas Casey and PO David Sammarco, of the 47th Precinct, activated his RMP's lights and sirens and initiated a vehicle stop at Hammersley Avenue and Ely Avenue, next to the Workmen's Circle nursing home (**allegations A and B**).

§ 87(2)(b) looked through his car for his documents as the officers approached. After he and § 87(2)(b) provided their IDs to the officers, § 87(2)(b) continued looking in the glove box for the registration. At that point, Sgt. Casey asked § 87(2)(b) to step out of the car. When § 87(2)(b) asked why he needed to step out of the car, Sgt. Casey allegedly asked § 87(2)(b) if he was going to get out of the car voluntarily or make Sgt. Casey remove him (**allegation C**). § 87(2)(b) stepped out of the car, at which point Sgt. Casey transferred him to PO Sammarco for the purpose of a frisk (**allegation D**). § 87(2)(b) was frisked by PO Sammarco (**allegation E**).

§ 87(2)(b) and § 87(2)(b) were taken to the rear of the vehicle, where they remained with PO Whelan and PO Sammarco. According to § 87(2)(b) Sgt. Casey searched § 87(2)(b) car under the seats, in the glove box, in the seat pockets on the rear of the front seats, in the door pockets, and the laundry bags that were in the back seat (**allegation F**). § 87(2)(b) asked Sgt. Casey for his shield number during the search and at several other points during the incident, but Sgt. Casey allegedly failed to respond (**allegation G**). PO Whelan allegedly called § 87(2)(b) a "prick" and told him that he was going to issue him a summons because he had asked for his superior's shield number (**allegations H and I**). PO Whelan also allegedly told § 87(2)(b) that he could have locked him up for failure to produce his registration (**allegation J**). PO Whelan reportedly provided his shield number to § 87(2)(b) as "2703," which § 87(2)(b) believed was incorrect because it had only four digits. § 87(2)(b) asked PO Whelan for his name, which he allegedly refused to provide (**allegation K**). § 87(2)(b) and § 87(2)(b) left the scene 10 to 15 minutes after the stop was initiated. Neither was summonsed or arrested.

During the incident, a female employee of § 87(2)(b) approached the officers and argued with them. § 87(2)(b) did not know who she was, and the administrators at § 87(2)(b) were unable to identify any employees who had witnessed the incident. Video was obtained from § 87(2)(b) Circle, but it did not contain footage of the incident.

Mediation, Civil and Criminal Histories

§ 87(2)(b) initially wished to mediate this complaint but later changed his mind and opted for an investigation because he wanted the officers to be disciplined.

As of January 19, 2016, neither § 87(2)(b) nor § 87(2)(b) has filed a Notice of Claim in regards to this incident [01 Board Review].

§ 87(2)(b)

Civilian and Officer CCRB Histories

This is the first CCRB complaint filed by or on behalf of either § 87(2)(b) or § 87(2)(b) [03 Board Review].

This is the 12th CCRB complaint filed against Sgt. Casey during his 18 year tenure. He has been the subject of vehicle stop allegations in three previous cases, but all of those allegations were closed as exonerated. Sgt. Casey has also been the subject of vehicle search allegations in two previous cases. In case 200614022, the allegation was closed as substantiated, and charges were recommended. The NYPD took no disciplinary action. In case 200714342, the vehicle search allegation was closed as exonerated. It has not previously been alleged that Sgt. Casey refused to provide his name or shield number.

This is the 10th CCRB complaint filed against PO Whelan during his six year tenure. In case 201400419, frisk and vehicle stop allegations were substantiated against him. Command discipline was recommended but there is no department disposition yet. In case 201202855, it was alleged that PO Whelan spoke discourteously to an individual. This allegation as closed as unfounded. It has not previously been alleged that PO Whelan threatened to arrest or summons an individual, or that he refused to provide his name or shield number.

This is the 16th CCRB complaint filed against PO Sammarco during his ten year tenure. He has not previously been the subject of a frisk allegation.

Potential Issues

§ 87(2)(b) missed two appointments without prior notice. He did not provide a sworn statement to the CCRB.

Findings and Recommendations

Subject Office Identification

§ 87(2)(g) described the officer who asked him to step out of the car, threatened him with force, frisked him, searched his car, and refused to provide his name and shield number as a white male in his 30s who was dressed in plainclothes, stood 5'6" tall, weighted 180 to 200 pounds, had an athletic build, no facial hair, glasses, or tattoos, and was bald. § 87(2)(b) also described that this officer may have been a sergeant. § 87(2)(b) described the subject of the vehicle search and threat of summons as the same officer, one that was a white male in plainclothes who was in his early 40s, stood 6'2" tall, had a heavy build, and wore a hat and shades [04-05 Board Review].

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sgt. Casey, PO Whelan, and PO Sammarco all testified that Sgt. Casey spoke with § 87(2)(b) at the passenger's side, ultimately asking him to step out of the vehicle when he observed what he believed to be a weapon in the glove box. The officers were consistent in testifying that § 87(2)(b) was transferred from Sgt. Casey to PO Sammarco, and that PO Sammarco frisked § 87(2)(b) while Sgt. Casey searched the vehicle. § 87(2)(g)

§ 87(2)(b) Allegations B, C, D, F, and G were pled against Sgt. Casey as a result. Allegation E was pled against PO Sammarco, who acknowledged that he frisked § 87(2)(b) Allegations A and H through K were pled against PO Whelan § 87(2)(g)

Allegations Not Pleaded

Abuse of Authority – Frisk

In his CCRB testimony, PO Whelan acknowledged that he frisked § 87(2)(b) outside of the vehicle. § 87(2)(b) made no mention of this allegation in his phone statement, and he ultimately failed to provide sworn testimony to the CCRB after missing two appointments. § 87(2)(b) testified that he did not know if § 87(2)(b) was frisked during the incident. As such, there was no civilian complaint in regards to this action, and it was not pleaded.

Allegation A – Abuse of Authority: PO Michael Whelan stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation B – Abuse of Authority: Sgt. Thomas Casey stopped the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that he was teaching § 87(2)(b) who had a learner's permit, to drive at the time of the incident. According to § 87(2)(b) stopped at a stop sign on Burke Avenue. He did not remember the cross street but reported that § 87(2)(b) initially stopped too far before the stop sign. § 87(2)(b) stated that § 87(2)(b) proceeded forward, stopped a second time at the stop sign, and then drove approximately 100 meters before the unmarked RMP behind him activated its lights. As reported by § 87(2)(b) stopped the car in front of the entrance to the § 87(2)(b) on Ely Avenue between Burke Avenue and Hammersley Avenue. Neither § 87(2)(b) nor § 87(2)(b) was issued a summons during this incident [04 Board Review].

§ 87(2)(b) stated that he had been practicing parallel parking before proceeding to the stop sign at Ely Avenue and Burke Avenue. He reported that he stopped at the stop sign before crossing Burke Avenue. According to § 87(2)(b) he was pulled over on Ely Avenue after crossing Burke Avenue. He made no mention of stopping twice at the stop sign [05 Board Review].

PO Whelan testified that he observed § 87(2)(b) vehicle run a stop sign in the vicinity of Grace Avenue and Hammersley Avenue. All of the officers testified that, at the time this violation was committed, PO Whelan was the operator of the RMP, Sgt. Casey was in the front passenger's seat, and PO Sammarco was in the rear seat. Sgt. Casey corroborated PO Whelan's assertion that § 87(2)(b) vehicle had failed to stop at a stop sign, but he denied remembering if PO

Sammarco made the observation as well. PO Sammarco denied witnessing the violation because he was in the back seat but testified that he heard PO Whelan and Sgt. Casey discuss that they had made the observation. All three officers testified that a summons was not issued because they were not carrying moving violation summonses, and there was no response to their requests via radio. According to the officers, PO Whelan decided to warn and admonish the occupants because he did not wish to subject them to an excessive wait [07, 09-10 Board Review].

§ 87(2)(g)

Allegation C – Abuse of Authority: Sgt. Thomas Casey threatened § 87(2)(b) with the use of force.

§ 87(2)(b) testified that he was searching for his vehicle's registration after providing his license and military ID to the officers. Because it was her car, § 87(2)(b) had called his wife but was unable to locate the document. § 87(2)(b) reportedly opened the glove box, which contained a CD, papers, and was generally messy inside. He was continuing his search when Sgt. Casey requested that he step out of the vehicle. § 87(2)(b) stated that he asked why, and that Sgt. Casey asked him if he was going to get out of the car voluntarily or if he was going to make Sgt. Casey remove him. § 87(2)(b) ultimately exited the vehicle voluntarily [04 Board Review].

§ 87(2)(b) made no mention of a threat of force in his initial online complaint or in his phone statement on October 2, 2015 [11-12 Board Review].

§ 87(2)(b) did not mention any threat of force in his phone statement [05 Board Review].

All of the officers' and civilians' testimonies indicated that § 87(2)(b) was the first to leave the vehicle, and that § 87(2)(b) was still in the car at the time § 87(2)(b) exited [04-05, 07, 09-10 Board Review].

Sgt. Casey stated that he believed he observed a weapon in § 87(2)(b) glove box, which prompted him to instruct § 87(2)(b) to exit the vehicle. Specifically, Sgt. Casey stated that he saw a flash of silver from inside a hat in the glove box, which he believed to be the back strap of a revolver. According to Sgt. Casey, § 87(2)(b) revealed that he was in the military and asked what the request to step out was in reference to. Sgt. Casey stated that the only thing that he told § 87(2)(b) was that he would explain in a minute. Sgt. Casey stated that he did not remember if he had to ask § 87(2)(b) to exit the vehicle more than once, and he denied asking § 87(2)(b) if he was going to get out of the car voluntarily or if he was going to make Sgt. Casey remove him. He described that § 87(2)(b) was "fairly cooperative" and denied that any threats of force were made to § 87(2)(b). Sgt. Casey later found that the item in question was a silver CD inside of a hat [07 Board Review].

PO Whelan testified that he was unable to see the entire glove box when § 87(2)(b) opened it, about 30 seconds after the officers' arrival. According to PO Whelan, Sgt. Casey made eye contact with him when § 87(2)(b) opened the glove box and then asked § 87(2)(b) to step out of the vehicle within ten seconds of the glove box being opened. PO Whelan stated that he observed no physical or verbal resistance from § 87(2)(b). He denied that Sgt. Casey told § 87(2)(b) that he was going to physically remove him from the car or that any officer threatened him with the use of force [09 Board Review].

PO Sammarco stated that he did not know if it was § 87(2)(b) or § 87(2)(b) who opened the glove box, but he heard Sgt. Casey ask § 87(2)(b) to get out of the vehicle after the glove box was opened. He stated that he was behind Sgt. Casey on the passenger's side at that time. PO Sammarco denied seeing inside the glove box. According to PO Sammarco, § 87(2)(b) was immediately compliant and exited the car without incident. He denied that Sgt. Casey told § 87(2)(b) that he would forcibly remove him from the car [10 Board Review].

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Allegation D – Abuse of Authority: Sgt. Thomas Casey authorized the frisk of § 87(2)(b)

Allegation E – Abuse of Authority: PO David Sammarco frisked § 87(2)(b)

§ 87(2)(b) stated that he was immediately frisked after he exited his vehicle. He described that PO Sammarco immediately grabbed his arms and raised them, stating that § 87(2)(b) was removed from the car because there was a lot of movement inside of it. § 87(2)(b) reported that PO Sammarco touched the sides of his torso, arms, waist, shorts, and sneakers during the frisk. § 87(2)(b) was sent to stand at the rear of his car after the frisk produced negative results [04 Board Review].

§ 87(2)(b) made no mention of § 87(2)(b) having been frisked by an officer [05 Board Review].

Sgt. Casey testified that § 87(2)(b) was looking for the car's documents when he opened the glove box. Sgt. Casey stated that he observed paperwork and a black, skull cap style hat, which was on the left side of the glove box, and he saw a flash of silver from inside the hat. He also revealed that the hat featured the outline of a hard object. Sgt. Casey reported that, based on his training and experience making arrests in which revolvers were confiscated, he believed that the object in question resembled the curved back strap of a revolver. He also described that the back strap of a revolver is shaped like a semi-circle. The investigation confirmed that the back strap of a revolver is, in fact, a metal strip between the two grip straps in the center of the handle [see

photo, 13 Board Review]. § 87(2)(b) acknowledged having a CD in the glove box and that Sgt. Casey told him later that he had seen something shiny that turned out to be the CD.

According to Sgt. Casey, all of the vehicle's windows were down at the time he made this observation, but § 87(2)(b) immediately moved the hat toward the back of the glove box and closed it. Sgt. Casey acknowledged that he asked no questions about the hat or object inside, and that § 87(2)(b) volunteered no information about it.

Sgt. Casey explained that during a typical car stop, the driver is removed from the car first if it is necessary to remove the occupants. However, during this car stop, Sgt. Casey asserted that he was so concerned about the potential weapon contained in the hat that he immediately asked § 87(2)(b) to get out of the vehicle. According to Sgt. Casey, he transferred § 87(2)(b) to PO Sammarco once he was out of the car, and PO Sammarco frisked him. Although Sgt. Casey denied witnessing the frisk because he was inside the car, he stated that the purpose of his transferring § 87(2)(b) to PO Sammarco was so that he could be frisked.

As mentioned above, PO Sammarco denied knowing who opened the glove box and stated that he did not see inside it. He stated that he heard Sgt. Casey instruct § 87(2)(b) to exit the vehicle 30 seconds after the officers arrived at the car. PO Sammarco corroborated Sgt. Casey's testimony that § 87(2)(b) was transferred to him for the purpose of a frisk. According to PO Sammarco, Sgt. Casey did not instruct PO Sammarco to frisk § 87(2)(b). However, PO Sammarco stated that, based on Sgt. Casey's behavior, he assumed that Sgt. Casey had suspected that § 87(2)(b) possessed a weapon. Generally consistent with § 87(2)(b) testimony, PO Sammarco reported that he frisked § 87(2)(b) by running his hands over his waistband, up and down his legs, and up and down his chest and back. He denied frisking any other areas and described the motions as "patting." PO Sammarco stated that he led § 87(2)(b) to the rear of the car after the frisk produced negative results [10 Board Review].

According to PO Whelan, § 87(2)(b) and § 87(2)(b) were "shuffling around," but not reaching under their seats, when he and his partners approached the vehicle. PO Whelan testified that he heard Sgt. Casey request that § 87(2)(b) exit the vehicle within ten seconds of his opening of the glove box. He stated that Sgt. Casey also made eye contact with him at that time. PO Whelan denied having a direct line of sight to the glove box and, as such, he did not observe all of its contents. However, he asserted that based on his training, general experience, specific experience working with Sgt. Casey, and his previous observation of furtive movements by the occupants, he believed that Sgt. Casey may have observed a weapon. In agreement with his fellow officers, PO Whelan also reported that Sgt. Casey sent § 87(2)(b) to PO Sammarco. PO Whelan stated that he believed that PO Sammarco frisked § 87(2)(b) but he denied actually witnessing this as he was still on the driver's side of the vehicle speaking with § 87(2)(b) [09 Board Review].

An officer may frisk an individual if he has a particularized reason to believe that the individual is armed and dangerous. People v. Gonzalez, 295 A.D.2d 183 [14 Board Review]. According to the fellow officer rule, an officer is entitled to rely on information he received from his partner. People v. Lubrano, 2014 N.Y. App. Div. LEXIS 3494.

§ 87(2)(g)

Allegation F – Abuse of Authority: Sgt. Thomas Casey searched the vehicle in which

§ 87(2)(b) **was an occupant.**

§ 87(2)(b) reported that Sgt. Casey searched his vehicle as he was standing at its rear. § 87(2)(b) observed the search through the rear windshield and described that Sgt. Casey searched under the front seats, in the glove compartment, in the seat pockets on the rear of the front seats, in the door pockets, and in the laundry bags that were on the rear seats. According to § 87(2)(b) Sgt. Casey did not search the trunk. According to § 87(2)(b) Sgt. Casey stated that he had observed a shiny object, which he believed was a gun, in the glove box. § 87(2)(b) acknowledged that a CD was in the glove box at the time of the incident. He also revealed that Sgt. Casey cited case law justifying his actions, but he did not remember the name of the case [04 Board Review].

§ 87(2)(b) alleged that Sgt. Casey searched the front seats, back seats, the glove compartment, and the trunk [05 Board Review].

As noted in allegations D and E, Sgt. Casey testified that he observed what he thought to be the back strap of a revolver inside of a hat in § 87(2)(b) glove compartment. Sgt. Casey acknowledged that he entered the vehicle after its occupants were removed, opened the glove box, and searched it. He stated that he removed the hat from the glove box and found that it contained a silver CD. There was no contraband or weapons of any kind in the glove box. Sgt. Casey reported that he then searched the “grabbable” area of the car, which included the top of the center console, the side pockets of the doors, and the immediate floor. Sgt. Casey did not remember if the center console was the type that opened or if he opened it. He denied searching any containers aside from the glove box. Sgt. Casey denied remembering if there were any bags or luggage in the back seat, or if the front seats contained rear pockets. Sgt. Casey did not remember if he searched the vehicle’s trunk but also denied having any reason to believe a weapon was contained within.

Sgt. Casey stated that he spoke with § 87(2)(b) after he determined that the vehicle contained no weapons, and he explained that he believed he had observed the back strap of a revolver. According to Sgt. Casey, he went “above and beyond” with his explanation because § 87(2)(b) was a member of the U.S. Military. Specifically, he stated that he explained NYPD procedures

and cited examples of what he was allowed to do under the law as per Terry v. Ohio [07 Board Review].

PO Sammarco testified that he observed Sgt. Casey enter § 87(2)(b) vehicle through the passenger's door. He denied knowing where Sgt. Casey searched in the vehicle because he was at the rear of the vehicle with § 87(2)(b). He denied knowing if any officer opened or searched the trunk. PO Sammarco later learned that the object Sgt. Casey thought to be a weapon was, in fact, a CD. He denied hearing any conversation about case law between Sgt. Casey and § 87(2)(b) [10 Board Review].

PO Whelan revealed that he asked § 87(2)(b) to step out of the vehicle after § 87(2)(b) exited the car. As § 87(2)(b) stepped out, PO Whelan observed Sgt. Casey enter the vehicle through its passenger's side. PO Whelan further stated that he observed Sgt. Casey search the glove box but denied seeing him search anywhere else in the car. He denied that Sgt. Casey told him where he had searched. PO Whelan stated that he did not remember the trunk being opened or searched during the incident.

PO Whelan added that he was present when Sgt. Casey explained to § 87(2)(b) and § 87(2)(b) that he believed he had observed a firearm in the glove box. He stated that Sgt. Casey also mentioned the outline of a CD but denied that Sgt. Casey showed a CD to anyone. PO Whelan did not remember if Sgt. Casey mentioned Terry v. Ohio in his explanation [09 Board Review].

Where a vehicle's occupants have been removed and patted down without incident, when there is a 1) substantial likelihood of a weapon being present in the vehicle, and 2) an actual and specific danger to officer safety, the officer may conduct a limited search of a vehicle confined to the area in which he suspects there to be a weapon. People v. Newman, 96 A.D.2d (1st Dept. 2012) [15 Board Review].

§ 87(2)(g)
[REDACTED]

Allegation G – Abuse of Authority: Sgt. Thomas Casey refused to provide his shield number to § 87(2)(b)

Allegation H – Discourtesy: PO Michael Whelan spoke discourteously to § 87(2)(b)

Allegation I – Abuse of Authority: PO Michael Whelan threatened to issue a summons to § 87(2)(b)

Allegation J – Abuse of Authority: PO Michael Whelan threatened to arrest § 87(2)(b)

Allegation K – Abuse of Authority: PO Michael Whelan refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that Sgt. Casey failed to respond several times when § 87(2)(b) asked him for his shield number during the vehicle search and various points thereafter. In response to one of his requests, PO Whelan allegedly called § 87(2)(b) a “prick,” told him that he was going to issue him a summons for requesting his superior’s shield number, and said that he could have locked § 87(2)(b) up for failure to produce his registration. § 87(2)(b) also reported that PO Whelan provided his own shield number as “2703,” which he believed was incorrect because it had only four digits. § 87(2)(b) alleged that PO Whelan did not reply when he asked him for his name [04 Board Review].

§ 87(2)(b) stated that § 87(2)(b) asked only PO Whelan for his shield number, which he provided. He also alleged that PO Whelan stated that he could have summonsed § 87(2)(b) or § 87(2)(b) but denied remembering the exact reason cited [05 Board Review].

Sgt. Casey denied that § 87(2)(b) requested his name or shield number. He stated that he never refused to provide this information. Sgt. Casey denied calling § 87(2)(b) a “prick” and stated that he did not hear any officer do so. Sgt. Casey revealed that PO Whelan informed § 87(2)(b) that he was going to receive a summons for failure to stop at a stop sign but denied that any other type of summons was discussed. Specifically, he denied that any officer said that a summons was going to be issued because one of the occupants had asked for an officer’s shield number. Sgt. Casey stated that he assumed that one of the occupants had requested PO Whelan’s shield number because he heard PO Whelan verbally provide his name, shield number, and command. He denied knowing PO Whelan’s shield number. Sgt. Casey denied hearing any officer tell either occupant that he could be arrested. According to Sgt. Casey, neither § 87(2)(b) nor § 87(2)(b) complained of a threat of arrest [07 Board Review].

PO Whelan acknowledged that § 87(2)(b) requested his name and shield number just prior to leaving the scene. PO Whelan stated that he verbally provided his shield number correctly as “27703,” and also provided his name as “Officer Whelan.” PO Whelan stated that he did not see § 87(2)(b) write this information down anywhere. He denied providing his shield number as “2703.” According to PO Whelan, neither § 87(2)(b) nor § 87(2)(b) complained that he had received incomplete or incorrect information from him. He denied hearing either occupant ask for any other officer’s identifying information or complain that he had been unable to see or obtain said information. PO Whelan denied calling § 87(2)(b) a “prick” during this incident and testified that neither he nor his partners used any profanity.

PO Whelan acknowledged that he informed § 87(2)(b) and § 87(2)(b) that he was going to issue summonses for failure to stop at a stop sign as well as failure to produce registration and

insurance cards. He denied that either occupant was ever informed that he was going to receive any other type of summons. Specifically, PO Whelan denied that he told § 87(2)(b) that he was going to summons him for asking for his superior's shield number. PO Whelan also testified that neither § 87(2)(b) nor § 87(2)(b) committed an arrestable offense in his presence, and that no officer informed either that he could be arrested [09 Board Review].

PO Sammarco denied hearing any officer call § 87(2)(b) a "prick." He testified that, to his knowledge, no officer used profanity during this incident. PO Sammarco also stated that PO Whelan was asked for his name or shield number by § 87(2)(b) and that he heard PO Whelan provide his name and shield number verbally as he stood at the side of § 87(2)(b) vehicle. According to PO Sammarco, neither of the occupants complained that he had been unable to obtain an officer's identifying information.

PO Sammarco testified that the officers intended to issue § 87(2)(b) a summons for failing to stop at a stop sign, but he denied hearing any officer inform § 87(2)(b) or § 87(2)(b) of this. He also denied that any other type of summons was discussed. According to PO Sammarco, neither occupant committed an offense for which he could have been arrested, nor was there any discussion with the occupants concerning a threat of arrest [10 Board Review].

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad: 1

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date